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INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

EXAMINER

JAMAL, ALEXANDER

ART UNIT	PAPER NUMBER
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2614

NOTIFICATION DATE	DELIVERY MODE
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12/16/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte RICHARD D. ELLISON

Application No. 10/719,771
Technology Center 2600

Mailed: December 15, 2008

Before PAMELA S. BENNETT, *Review Team Paralegal*
BENNETT, *Review Team Paralegal*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on October 16, 2008. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter requiring attention prior to docketing.

SUPPLEMENTAL EXAMINER'S ANSWER

APPROVAL BY TECHNOLOGY CENTER DIRECTOR

The Supplemental Examiner's Answer mailed February 8, 2008 is deficient, because it was not signed by the Technology Center Director or designee. Section 1207.05 of the Manual of Patent Examining Procedure (MPEP) (Eighth Edition, Rev. 6, September 2007) states that "[e]very supplemental examiner's answer must be approved by a Technology Center (TC) Director or designee" [emphasis added]. Correction is required.

The Examiner may use a PTOL-90 providing the required signature only, rather than re-mailing the entire Examiner's Answer and restarting the response period, if appropriate.

CONCLUSION

Accordingly, it is ORDERED that the application is returned to the Examiner:

- 1) to vacate the Supplemental Examiner's Answer mailed February 8, 2008 or, if appropriate and no other action is required, the Examiner may use a PTOL-90 to provide the required signature (Technology Center Director or designee);¹ and
- 2) for such further action as may be appropriate.

¹ In Technology Center 2600, only a Technology Center Director, Special Program Examiner (SPRE) or Quality Assurance Specialist (QAS) may approve a Supplemental Examiner's Answer.

Application No. 10/719,771

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

PSB

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